

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**MARK S. BUCKNER, SR.**

**PLAINTIFF**

**V.**

**NO. 3:23-CV-417-DMB-RP**

**WEST TALLAHATCHIE SCHOOL  
DISTRICT, et al.**

**DEFENDANTS**

**ORDER**

On August 19, 2024, United States Magistrate Judge Roy Percy issued a Report and Recommendation (“R&R”) recommending that Mark S. Buckner, Sr.’s claims against “Ms. Berdin” and “Mr. Brownlow” be dismissed without prejudice. Doc. #51 at PageID 326–27. The R&R warned that failure to file written objections within fourteen days “shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions [in the R&R] accepted by the district court.” *Id.* at PageID 327 (citation omitted). No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a de novo determination of those portions of the report … to which objection is made.” “[P]lain error review applies where, as here, a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Ortiz v. City of San Antonio Fire Dep’t*, 806 F.3d 822, 825 (5th Cir. 2015) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017).

Because the Court reviewed the R&R for plain error and concludes that the R&R is neither

clearly erroneous nor contrary to law, the R&R [51] is **ADOPTED** as the order of the Court. Buckner's claims against Berdin and Brownlow are **DISMISSED without prejudice**.

**SO ORDERED**, this 21st day of November, 2024.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**